

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jan 19 2021

SC Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Case No. 2020-001027

JOHN MICHAEL TIMMONS, JR., d/b/a TAVERN ON THE LOOP, Appellant/Respondent,

v.

FIRST RELIANCE BANK, INC.; THE BLANTON COMPANY, INC.;
JBJR ENTERPRISES, INC. d/b/a THE BLANTON COMPANY, INC.;
WW PLASMA II, LLC; DALE PORTER; F.R. SAUNDERS, JR.;
HUNTER WILLIAMS; and JOSEPH B. BLANTON, individually, Defendants,

Of Which FIRST RELIANCE BANK, INC.; DALE PORTER;
F.R. SAUNDERS, JR. are the, Respondents,

And

WW PLASMA II, LLC and HUNTER WILLIAMS are the Defendants.

APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

Appellant proposes the following be included in the Record on Appeal:

Orders

1. Order of June 23, 2020 granting Respondents' Motion for Summary Judgment
2. Order of July 21, 2020 denying Appellant's Motion for Reconsideration

Pleadings

3. Appellant's Complaint (January 29, 2018)

4. Respondents' Answer (April 2, 2018)

Motions, Supporting Memoranda, & Other Filings and Materials

5. Timmons Affidavit (October 25, 2019)
6. Blanton Answers to Requests to Admit (November 27, 2019)
7. Britt Campana Affidavit (December 9, 2019)
8. Respondent First Reliance Bank's Answers to Requests to Admit (December 12, 2019)
9. Respondent Dale Porter's Answers to Requests to Admit (December 12, 2019)
10. Respondent F. R. Saunders, Jr.'s Answers to Requests to Admit (December 12, 2019)
11. Appellant's Motion for Summary Judgment (February 11, 2020)
12. Respondents' Motion for Summary Judgment (May 6, 2020)
13. Appellant's Memo in Support of Motion for Summary Judgment with Exhibits (May 18, 2020)
14. Appellant's Supplemental Memorandum in Support of Motion for Summary Judgment and in Opposition to Motions for Summary Judgment by Blanton Defendants and Bank Defendants with Exhibits (June 8, 2020)
15. Appellant's Motion to Reconsider Order Granting Summary Judgment to Respondents with Exhibits (July 6, 2020)
16. Original Note (August 14, 2006)
17. Mortgage (August 14, 2006)
18. Sunshine House Lease (June 25, 2014)
19. Assignment of Rents (November 17, 2014)
20. Motion to Enforce Assignment of Rents (July 23, 2015)
21. Timmons Proposal to Blanton (August 17, 2015)
22. Timmons Commercial Lease (August 20, 2015)
23. Xavier Sams Lease (September 3, 2015)
24. Hearing Transcript on Motion to Enforce Assignment of Rents (September 30, 2015)
25. Order Enforcing Assignment of Rents (October 2, 2015)
26. Elite Laser Tag Proposal/Blanton Note re: Elite Laser Tag Proposal (October 5, 2015; October 8, 2015)
27. Notice of Appeal (July 23, 2020)

Transcripts

28. Timmons Deposition Transcript – (p. 43, l. 23 – p. 44, l. 2; p. 49, ll. 3-15; p. 55, ll. 7-23) (October 9, 2018)
29. Timmons Deposition Transcript Vol. II – (p. 54, l. 12 – p. 55, l. 11; p. 55, ll. 7-23) (August 20, 2019)
30. Joseph Blanton Deposition Transcript Vol. I (p. 21, ll. 13-22; p. 44, l. 21 – p. 45, l. 6; p. 62, ll. 14-24; p. 69, l. 10 – p. 71, l. 4; p. 83, ll. 9-11; p. 96, l. 3 – p. 97, l. 22; p. 100-103; p. 101, l. 24 - p. 102, l. 20; p. 102, l. 21 – p. 103, ll. 5-10; p. 110, ll. 17-21; p. 112, l. 6 – p. 113, l. 4; p. 123, ll. 1-19; p. 125 - p. 126; p. 138, ll. 16-21; p. 146, ll. 1-12; p. 146-148; p. 151, ll. 1-13; p. 157, ll. 9-15; p. 172, l. 24 – p. 173, l. 25; p. 173, ll. 9-25; p. 178, l. 23; p. 180, ll. 4-7; p. 181, ll. 3-9; p. 188, ll. 1-24; p. 195, ll. 4-25; p. 196, ll. 13-25; p. 197, ll. 1-2; p. 225, ll. 9-25; p.

- 226 – p. 227) (January 16, 2020)
31. Joseph Blanton Deposition Transcript Vol. II (p. 71, ll. 5-24) (January 22, 2020)
 32. Dale Porter Deposition Transcript (p. 56, l. 20-p. 57, l. 17; p. 101, l. 24 – p. 102, l. 2; p. 106, l. 7; p. 127, l. 6 – p. 128, l. 11; ll. 22-25; p. 128, ll. 1-3; p. 129, ll. 14-21; p. 139, ll. 1-13; 158, l. 17 – p. 159, l. 9; pp. 167-168; pp. 257-263; p. 293) (January 24, 2020)
 33. F.R. Saunders Deposition Transcript (p. 53, ll. 12-19; p. 61, ll. 13-15; p. 63, l. 20-p. 64, l. 9; p. 85, ll. 20-24) (February 12, 2020)
 34. Hearing Transcript (June 10, 2020)

I certify that this designation contains no matter which is irrelevant to this appeal.

January 19, 2021

/s/ Ben Le Clercq
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And

WW PLASMA II, LLC and HUNTER WILLIAMS are the Defendants.

PROOF OF SERVICE

I, David Ashley, certify that I have served *Appellant's Reply Brief and Designation of Matter to be Included in the Record on Appeal* on Respondents First Reliance Bank, Inc., Dale Porter, and F.R. Saunders, Jr. by e-mailing a copy to their attorney of record, D. Gary Lovell, Jr., at glovell@cskl.law and Lacey Houghton at lhoughton@cskl.law on January 6, 2021.

January 19, 2021

s/David D. Ashley
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Timmons v. First Reliance Bank, et al./2020-001027 - Appellant's Initial Reply Brief

1 message

David Ashley <david@leclercqlaw.com>

Tue, Jan 19, 2021 at 6:42 PM

To: "Lovell, Gary D." <glovell@cskl.law>, "Houghton, Lacey L." <lhoughton@cskl.law>, Debbie Mathews <Debbie@leclercqlaw.com>, Ben Le Clercq <ben@leclercqlaw.com>, "Wilson, Skyler C." <swilson@cskl.law>

All,

Please see the attached Initial Reply Brief of Appellant and Designation of Matter to be included in the Record on Appeal. Please let me know if you have any trouble with the attachments.

Respectfully,

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3 attachments

 **2021 01 19 Appellant's Initial Reply Brief.pdf**
535K

 **2021 01 19 Designation of Matter for Record on Appeal.pdf**
271K

 **2021 01 19 Proof of Service - Reply Brief and Designation of Matter for Rec Appeal.pdf**
440K